

JAP:TF

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

M-11-684

UNITED STATES OF AMERICA

- against -

GERARDO MOLINA HERNANDEZ,

PRE-ARRAIGNMENT
C O M P L A I N T
(21 U.S.C. §§ 952(a)
and 960)

Defendant.

EASTERN DISTRICT OF NEW YORK, SS:

ANDREW KAPPAUF, being duly sworn, deposes and says that he is a Special Agent with Homeland Security Investigations ("HSI"), United States Department of Homeland Security, duly appointed according to law and acting as such.

Upon information and belief, on or about July 5, 2011, within the Eastern District of New York and elsewhere, the defendant GERARDO MOLINA HERNANDEZ did knowingly, intentionally and unlawfully import into the United States from a place outside thereof heroin, a Schedule I controlled substance.

(Title 21, United States Code, Sections 952(a) and 960).

The source of your deponent's information and the grounds for his belief are as follows:^{1/}

^{1/} Because the purpose of this Complaint is to state only probable cause to arrest, I have not described all the relevant facts and circumstances of which I am aware.

1. On or about July 5, 2011, the defendant GERARDO MOLINA HERNANDEZ arrived at John F. Kennedy International Airport ("JFK") in Queens, New York, aboard Avianca Flight 20 from Bogota, Columbia.

2. The defendant GERARDO MOLINA HERNANDEZ was selected for a routine examination by officers from Customs and Border Protection ("CBP"). During that examination, the defendant GERARDO MOLINA HERNANDEZ presented a navy blue "Gap" backpack and a black "Victorinox" checked bag for inspection and claimed them as his own. A CBP officer noticed that the rail of the "Victorinox" bag was unusually thick. The bag was x-rayed, revealing square packages in the bottom of the rail. Further probing of the packages revealed a tan, powdery substance that field-tested positive for heroin. The total gross weight of the heroin recovered from the defendant's bag was 770.7 grams of heroin. The defendant GERARDO MOLINA HERNANDEZ was placed under arrest.

3. The defendant GERARDO MOLINA HERNANDEZ then admitted, in sum and substance, that he was also transporting heroin in his intestinal tract. CBP officers presented him with an x-ray consent form, which the defendant GERARDO MOLINA HERNANDEZ signed. He was transported to the medical facility at JFK for an x-ray examination.

4. At the medical facility, an x-ray was taken of defendant GERARDO MOLINA HERNANDEZ's intestinal tract, and it was positive for foreign bodies. Further, before the x-ray, the defendant GERARDO MOLINA HERNANDEZ passed nine pellets containing a powdery substance, one of which field-tested positive for heroin.

WHEREFORE, your deponent respectfully requests that the defendant GERARDO MOLINA HERNANDEZ be dealt with according to law.



Andrew Kappauf
Special Agent
Homeland Security Investigations

Sworn to before me this
5th day of July, 2011

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